

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 24,  
2 Section 389.591, Line 9, by inserting after all of said Section and Line the following:

3  
4 "700.700. 1. For purposes of sections 700.700 to 700.716, the following terms shall mean:

5 (1) "Applicant", a person who applies to the commission for a license to install a modular  
6 unit;

7 (2) "Commission", the Missouri public service commission;

8 (3) "Installation", work undertaken at the place of occupancy to ensure the proper initial  
9 setup of a modular unit which shall include the joining of all sections of the unit, installation of  
10 stabilization, support, and leveling systems, assembly of multiple or expanded units, and installation  
11 of proper utility hookups and anchoring systems, if applicable;

12 (4) "Installer", an individual who is licensed by the commission to install modular units,  
13 under sections 700.700 to 700.716;

14 (5) "Modular unit", a transportable building unit designed to be used by itself or to be  
15 incorporated with similar units at a point-of-use into a modular structure to be used for commercial,  
16 industrial, or educational purposes, as constructed under the International Building Code (IBC).  
17 This definition shall not apply to structures under four hundred ten square feet, built to the group U  
18 classification under the IBC; and

19 (6) "Person", an individual, partnership, corporation, or other legal entity.

20 700.702. The commission shall implement a program to assure the proper installation of  
21 modular units by licensed installers. The program shall include the following components:

22 (1) Licensing of installers, including penalties for engaging in the business of modular unit  
23 installation without a license from the commission;

24 (2) Inspection of a percentage of installed modular units; and

25 (3) A process to resolve disputes relating to the installation of modular units.

26 700.704. 1. No person shall engage in the business of installing modular units or hold  
27 himself or herself out as a modular unit installer in this state unless such person holds a valid installer  
28 license issued by the commission under sections 700.700 to 700.716.

29 2. The installer license obtained from the commission shall be the only installer license  
30 required for installing modular units within this state. No political subdivision of this state shall  
31 issue an installer license or require additional professional licensure of installers already licensed by  
32 the commission.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1       700.706. 1. The commission shall issue an installer license to an applicant who:  
2       (1) Files a written application with the commission on a form approved by the commission;  
3       (2) Is at least eighteen years old;  
4       (3) Is of good moral character;  
5       (4) Presents evidence that he or she has completed a training program approved by the  
6 commission;  
7       (5) Has attained a passing grade upon a commission approved examination, that is designed  
8 to test the skills necessary to properly perform as an installer and to ascertain the adequacy of the  
9 applicant's knowledge of laws applicable to modular unit installation. The commission may  
10 establish criteria that constitute a passing grade for the examination; and  
11       (6) Pays all fees as required by sections 700.700 to 700.716 and by commission rule.  
12       2. In addition to fulfilling the requirements of subsection 1 of this section, an applicant shall  
13 obtain a bond in an amount and with sureties approved by the commission.  
14       3. In addition to fulfilling the requirements of subsection 1 of this section, an applicant shall  
15 obtain and show proof of a certificate of insurance for workers' compensation coverage.  
16       4. In addition to fulfilling the requirements of subsection 1 of this section, an applicant shall  
17 disclose to its clients and the commission its standard limits of liability of general liability insurance.  
18       5. An installer license shall be valid for a period of time determined by the commission, but  
19 not for less than one year, and it may be renewed accordingly.  
20       6. (1) The commission may waive the training and examination requirements of subsection  
21 1 of this section and grant an installer license to an applicant who pays the applicable fee and  
22 demonstrates to the commission's satisfaction that his or her current license, registration, or  
23 certification requirements as an installer in another state, the District of Columbia, or territories of  
24 the United States substantially meets or exceeds the requirements in sections 700.700 to 700.716.  
25       (2) The commission may negotiate reciprocal agreements that allow licensed installers in  
26 Missouri to become licensed in other states, the District of Columbia, or territories of the United  
27 States.

28       700.708. 1. The commission shall mail a renewal notice to the last known address of each  
29 installer licensee prior to the renewal date and shall establish procedures and requirements, including  
30 proof of at least one continuing education program per year, for renewing an installer license. The  
31 commission shall renew the license of a licensee who fulfills these requirements before the  
32 expiration date of his or her license and within a time period determined by the commission. The  
33 commission shall deny renewal to a licensee who does not fulfill these requirements.  
34       2. Upon a licensee's written request, the commission may grant inactive status to a licensee,  
35 if the person meets the licensing requirements in sections 700.700 to 700.716 and:  
36       (1) Does not install modular units, except as allowed under section 700.706;  
37       (2) Does not hold himself or herself out as an installer in the state of Missouri; and  
38       (3) Maintains continuing education requirements established by the commission.  
39       3. The commission may establish procedures and requirements for reissuing an installer  
40 license that has lapsed, expired, or been suspended, revoked, or placed on inactive status. The  
41 commission shall not reissue a license more than two years after its expiration date.

1       700.710. Each licensed installer shall purchase installation decals from the commission for a  
2 fee established by the commission. An installation decal shall be affixed to the modular unit upon  
3 completion of the installation. The decal shall note the installer's license number and shall be  
4 permanently affixed to the modular unit at a location determined by the commission.

5       700.712. 1. The commission may implement sections 700.700 to 700.716 using its own  
6 employees, using independent contractors, consistent with policies established by the office of  
7 administration, or through other private or public entities that provide a service to an applicant or  
8 licensee at the expense of the applicant, licensee, or his or her employer.

9       2. The commission may establish reasonable fees to cover the cost of implementing sections  
10 700.700 to 700.716.

11       3. The commission may promulgate rules to implement the provisions of sections 700.700 to  
12 700.716. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
13 under the authority delegated in this section shall become effective only if it complies with and is  
14 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
15 chapter 536 are nonseverable and if any of the powers vested with the general assembly under  
16 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
17 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
18 August 28, 2013, shall be invalid and void.

19       700.713. No person licensed as an installer and no applicant shall:

20       (1) Obtain an installer license by fraud or misrepresentation;

21       (2) Be convicted, found guilty of, or enter a plea of nolo contendere to, regardless of  
22 adjudication, a crime in any jurisdiction that directly relates to the business of performing or the  
23 ability to perform modular unit installation;

24       (3) Violate any order of the commission;

25       (4) Commit misconduct, fraud, misrepresentation, or dishonesty in installing modular units;

26       (5) Commit gross negligence, repeated negligence, or negligence resulting in a significant  
27 danger to life or property; or

28       (6) Commit violations of installation standards adopted by the commission under section  
29 700.716.

30       700.714. 1. Notwithstanding any provision of law to the contrary, the commission may  
31 discipline a holder of an installer license, or any other person for any violation or combination of  
32 violations of sections 700.700 to 700.716.

33       2. The commission may discipline a licensee or applicant who violates any provision of  
34 section 700.713 by:

35       (1) Revoking a license;

36       (2) Suspending a license;

37       (3) Requiring the person to take and pass, or retake and pass, an examination approved by the  
38 commission;

39       (4) Placing the person on probation;

40       (5) Sending the person a notice of noncompliance; or

41       (6) Refusing to issue a license.

1        3. The commission may consider a complaint filed with it charging a licensed installer with a  
2 violation of the provisions of sections 700.700 to 700.716. If proven, the charges shall constitute  
3 grounds for revoking or suspending the installer license or for placing the licensed installer on  
4 probation.

5        4. If it refuses to issue or renew an installer license, the commission shall notify the person,  
6 in writing, of:

7            (1) The reasons for refusal;

8            (2) The option to resolve the matter through the commission's alternative dispute resolution  
9 process;

10          (3) The opportunity to file a formal complaint with the commission if the person does not  
11 choose alternative dispute resolution or if that process fails to resolve the matter; and

12          (4) The right to review by the appellate court, as provided under section 386.510.

13        700.715. 1. The commission shall investigate all complaints concerning violations of  
14 sections 700.700 to 700.716 to determine if there are grounds for disciplining a holder of an installer  
15 license or for refusing to issue either form of license to an applicant.

16        2. The commission may issue subpoenas duces tecum in order to cause any installer licensee  
17 or other person to produce records or appear as a witness in connection with an investigation or  
18 proceeding under this section.

19        3. In lieu of, or in addition to, any remedy provided in this section, the commission may file  
20 a petition in the name of the state asking a court to issue a restraining order or a writ of mandamus  
21 against any person who is or who had been violating any of the provisions of sections 700.700 to  
22 700.716 or any rule, order, or subpoena issued by the commission.

23        700.716. 1. The commission shall require installers to install modular units in accordance  
24 with the installation instructions provided by the manufacturer of the modular unit or the IBC or  
25 other building codes, as adopted by the commission, as amended.

26        2. The commission shall adopt uniform, reasonable standards for the proper installation of  
27 modular units in this state including, but not limited to, standards for the foundation, supports,  
28 anchoring, underpinning, and joining of the sections of the unit. The standards shall provide for  
29 physical engineering needed to appropriately install a modular unit on a specific site.

30        3. Each licensed installer shall purchase installation decals from the commission for a fee  
31 established by the commission. An installation decal shall be affixed to the unit upon completion of  
32 the installation. The decal shall note the installer's license number and shall be permanently affixed  
33 to the unit at a location determined by the commission."; and

34  
35 Further amend said bill by amending the title, enacting clause, and intersectional references  
36 accordingly.